

NOV 14 2007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MALIBU TEXTILES, INC.,

Plaintiff,

- against -

CAROL ANDERSON, INC. et al.,

Defendants.

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XAMENDED 11/14/07  
SCHEDULING ORDER  
07 Civ. 4780 (SAS)(HBP)

**WHEREAS, the Court entered a Scheduling Order on July 25, 2007 following the parties' Fed. R. Civ. P. 16(b) Conference; and**

**WHEREAS, the parties unsuccessfully engaged in Court-ordered mediation on October 22, 2007, and now the parties need additional time to complete discovery; and**

**WHEREAS, a Status Conference is scheduled before Judge Scheindlin on December 19, 2007 at 4:30 p.m.;**

**NOW, THEREFORE, the following sections of July 25, 2007 Scheduling Order are amended as follows (with all other provisions remaining in effect):**

**(3) a schedule including:**

**(a) the names of persons to be deposed and a schedule of planned depositions;**

The parties currently anticipate that depositions will be taken of at least the following individuals and such other witnesses as they may deem appropriate as discovery progresses:

**Currently Anticipated Depositions by Plaintiff:**

30(b)(6) witness

Other business witnesses to be determined as discovery progresses

**Currently Anticipated Depositions by Defendants:**

30(b)(6) witness

Other business witnesses to be determined as discovery progresses

Depositions will be completed by January 18, 2008.

**(b) a schedule for the production of documents;**

The parties have exchanged their first sets of document responses.

- (c) **dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;**

- (i) Expert reports will be exchanged by February 15, 2008.
- (ii) Expert depositions will be completed by March 14, 2008.

- (d) **time when discovery is to be completed;**

All discovery, including expert discovery, will be completed by March 31, 2008.

- (e) **the date by which plaintiff will supply its pre-trial order matters to defendant;**

Plaintiff will supply its pre-trial order matters to defendant by April 15, 2008 unless summary judgment motions have been filed on or before said date.

- (f) **the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and**

The parties will submit a pre-trial order together with trial briefs and proposed voir dire questions and proposed jury instructions by April 30, 2008 unless summary judgment motions are pending.

- (g) **a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.**

*February 20, 2008 at 4:30 p.m.*

- (2) **a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;**

Except for good cause shown, no additional parties may be joined, no new causes of action asserted, and no additional defenses may be asserted after December 15, 2007.

Parties will discuss entering into a Stipulated Protective Order regarding business and other financial information.

SO ORDERED:

11/14/07  
Date

  
Shira A. Scheindlin, U.S.D.J.

## COWAN, DeBAETS, ABRAHAM &amp; SHEPPARD LLP

ATTORNEYS AT LAW

FREDERICK P. BIMBLER  
 TOBY M. J. BUTTERFIELD  
 AL J. DANIEL, JR.\*  
 TIMOTHY J. DeBAETS  
 ROBERT I. FREEDMAN  
 ELLIS B. LEVINE  
 MITCHELL E. RADIN  
 ROBERT L. SEIGEL  
 J. STEPHEN SHEPPARD  
 RALPH J. SUTTON\*  
 KENNETH N. SWEZEY  
 DAVID BRUCE WOLF  
 NANCY E. WOLFF

ZEHRA J. ABDI  
 LISA K. DIGERNES  
 MATTHEW A. KAPLAN\*  
 M. KILBURG REEDY  
 MASON A. WEISZ

PHILIP M. COWAN (1943-2001)  
 HOWARD ABRAHAM (1945-1996)

OF COUNSEL:  
 ANNE C. BAKER  
 JUDITH A. BRESLER  
 JERROLD B. GOLD  
 ALBERT GOTTHESMAN  
 ROGER E. KASS  
 MICHAEL D. REMER  
 ROBERT F. VAN LIEROP

CORRESPONDENT FIRM:  
 DONALDSON & HART  
 9220 SUNSET BLVD. STE. 224  
 LOS ANGELES, CA 90069  
 (310) 273-8394

\*ALSO ADMITTED IN CA & DC  
 \*ALSO ADMITTED IN NJ  
 \*ALSO ADMITTED IN AR & DC

11/14/07  
 November 14, 2007

**VIA FACSIMILE (212) 805-7920**

Honorable Shira A. Scheindlin, U.S.D.J.  
 United States District Court, Southern District of New York  
 500 Pearl Street, Room 1620  
 New York, New York 10007

NOV 1 2007

Re: **Malibu Textiles, Inc. v. Carol Anderson, Inc. et al.**  
**Docket No. 07 Civ. 4780 (SAS)**

Dear Judge Scheindlin:

We represent Plaintiff Malibu Textiles, Inc. in the above-captioned matter and we submit this joint request on behalf of all parties to extend the dates in the July 25, 2007 Scheduling Order. This is the parties' first request to extend these dates.

Following the Initial Conference, the parties focused their attention on the Court-ordered mediation before Magistrate Judge Pitman, which was originally scheduled to take place on September 25, 2007, but was rescheduled to October 22, 2007 at Judge Pitman's request. As of October 29, 2007, the mediation proved to be unsuccessful and the parties exchanged discovery responses and documents over the next week.

Given the upcoming holidays and that: 1) a number of party depositions for both sides will have to take place in California; 2) defendants are producing some discovery materials for inspection; and 3) the strong possibility that each party will be taking non-party depositions, the parties request that each date set forth in the July 25, 2007 Scheduling Order be moved out two months. A proposed form of order is attached.

We thank the Court for its consideration.

Respectfully submitted,

  
 Matthew A. Kaplan

Enclosure

cc: Harlan M. Lazarus, Esq. (via facsimile (212) 684-0313) (w/ encl.)  
 Nancy E. Wolff, Esq.

41 MADISON AVENUE - 34TH FLOOR, NEW YORK, NEW YORK 10010

TEL: (212) 974-7474

FAX: (212) 974-8474

WEB: www.cdass.com

E-MAIL: cdass@cdass.com

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